

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Maximo Reynoso, <u>pro se</u> ,	:
	:
Plaintiff,	:
	:
-against-	:
	:
Commissioner of Social Security,	:
	:
Defendant.	:
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ORDER
09-CV-5263(DLI)

DORA L. IRIZARRY, U.S. District Judge:

Plaintiff seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, but he has submitted an insufficient financial declaration application (*i.e.*, the “Request to Proceed *In Forma Pauperis*” or IFP application).

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350. Under 28 U.S.C. § 1915, the Court may waive the filing fee upon finding a plaintiff indigent. Section 1915 authorizes a court to dismiss a case brought by a plaintiff requesting to proceed *in forma pauperis* if the allegation of poverty is untrue. 28 U.S.C. § 1915(e)(2)(A); Cucco v. United States Bureau of Prisons, 328 F.Supp. 2d 463, 467 (S.D.N.Y. 2004); Hobbs v. County of Westchester, et al., No. 00 Civ. 8170 (JSM), 2002 WL 868269, at *1 (S.D.N.Y. May 3, 2002). It is unclear from plaintiff’s financial declaration whether or not he pays rent, or whether he receives any income via pension, or a retirement account. The IFP application, as submitted, is therefore insufficient. Although the Court finds plaintiff’s IFP application insufficient, the Court grants plaintiff leave to file an amended IFP application, including information as to rent and income received as noted above. The plaintiff is reminded that all questions on the IFP application must be answered truthfully.

Therefore, the Court directs plaintiff to submit an amended “Request to Proceed *In Forma*

Pauperis” application within 20 business days from the date of this Order, i.e by **January 6, 2010**, or plaintiff must pay the \$350 filing fee to the Clerk of Court of the Eastern District of New York within 20 business days from the date of this Order. If plaintiff fails to submit an amended Request to Proceed *In Forma Pauperis* application or fails to remit the filing fee within the time allowed, the action shall be dismissed.

The Clerk of the Court is directed to mail a copy of this order to pro se plaintiff by certified mail with return receipt.

SO ORDERED.

Dated: Brooklyn, NY
December 7, 2009

/S/

DORA L. IRIZARRY
United States District Judge